

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JAIME REYES, SP 2012-LE-053 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit reduction in minimum yard requirements based on error in building location to permit accessory structure to remain 6.6 ft. from side lot line and 11.8 ft. from rear lot line. Located at 3426 Spring Dr., Alexandria, 22306, on approx. 14,000 sq. ft. of land zoned R-2. Lee District. Tax Map 92-2 ((19)) 177. (Concurrent with VC 2012-LE-004) (Decision deferred from 10/31/12) Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on November 28, 2012; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the property.
2. The Board has determined that the applicant has met the requirements set forth in Section A through G in that Code section.
3. In particular, the setbacks on this building are fairly reasonable.
4. The Board did not feel it had any impact on the value of neighboring property or will impair the purpose or intent of the Ordinance.

THAT the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance. Based on the standards for building in error, the Board has determined:

- A. That the error exceeds ten (10) percent of the measurement involved;
- B. The non-compliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a Building Permit, if such was required;
- C. Such reduction will not impair the purpose and intent of this Ordinance;
- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity;
- E. It will not create an unsafe condition with respect to both other property and public streets;

- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
- G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

- 1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
- 2. That the granting of this special permit will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

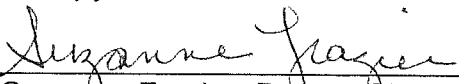
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

- 1. This special permit is approved for the location of an accessory structure (detached one-story garage) as shown on the plat prepared by Alexandria Surveys, LLC, dated June 25, 2012, as sealed on November 8, 2012, as submitted with this application and is not transferable to other land.
- 2. The applicant shall obtain all applicable building and trade permits for the accessory structure (one-story garage) within 180 days of approval of this special permit application.
- 3. As shown on the special permit plat, the applicant shall remove a portion of the concrete patio so that it is located a minimum of 10.0 feet from the western side lot line to meet Zoning Ordinance requirements.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Byers seconded the motion, which carried by a vote of 5-0. Mr. Smith and Mr. Beard were absent from the meeting.

A Copy Teste:


Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals